

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIAN LOPEZ,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

11 Cr. 1032-62 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the *pro se* petition of Julian Lopez, filed December 19, 2019, to vacate the judgment in this case. Dkt. 2467 (“Pet.”). Lopez was among 76 defendants charged with racketeering and/or related offenses in connection with their participation in the violent Bronx Trinitarios Gang. On December 18, 2013, Lopez pled guilty to Count One of the superseding indictment in this case, S5 11 Cr. 1032 (PAE), charging him with participating in a racketeering enterprise in violation of 18 U.S.C. § 1962(c). *See* Dkt. 951 (“Plea Tr.”) at 7–18. On May 9, 2014, the Court sentenced Lopez to a term of 180 months imprisonment, within the advisory Guidelines range (168 to 210 months imprisonment) that the parties had calculated and which the Court independently found applicable. *See* Dkt. 1183 (“Sentencing Tr.”) at 38. Lopez did not appeal.

Lopez’s motion claims that the Court (1) lacked subject matter jurisdiction over his case, (2) denied Lopez his due process rights under the Fifth and Fourteenth Amendments, (3) denied Lopez his right to attend the grand jury selection process, and (4) subjected him to arbitrary arrest. *See generally* Pet. These claims are conclusory and frivolous. The Court summarily denies them.

The Court therefore denies Lopez's petition for relief. The Clerk of Court is respectfully directed to terminate the motion pending at docket 2467. Lopez's case remains closed.

The Court declines to issue a certificate of appealability and certifies that any appeal from this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: January 30, 2020
New York, New York